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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,514	12/20/2006	Kiyotaka Uchimoto	4035-0182PUS1	2661

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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PULLIAS, JESSE SCOTT

ART UNIT	PAPER NUMBER
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2626

NOTIFICATION DATE	DELIVERY MODE
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02/23/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/587,514	<b>Applicant(s)</b> UCHIMOTO ET AL.	
	<b>Examiner</b> JESSE S. PULLIAS	<b>Art Unit</b> 2626	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Jesse S. Pullias/  
 Examiner, Art Unit 2626

/Talivaldis Ivars Smits/  
 Primary Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because:

On page 22, the Remarks argue that Wakita and Appleby operate by inputting complete sentences, and the Office Action fails to explain why one of ordinary skill in the art would want to do away with that primary mode of operation of both of those references to limit the input to less than a whole sentence just to come up with more commonly known terms. In response, the examiner respectfully disagrees. As was explained on page 9 of the Final Rejection 11/04/09, and as correctly noted on page 22 of the present Remarks, it would be helpful for at least the reasons that it "insures that the target language search engine will recognize it" as noted by Chan (Col 4 lines 22-29). See pages 9-10 of the Final Rejection mailed 11/04/09. The factual evidence in Chan shows that Chan was familiar that search engines required input in a form that could be recognized by the particular search engine. Modifying Wakita or Appleby such that one or more keywords in the source language are input via an input means without inputting a full text sentence in the source language, as proposed on page 9 of the final rejection, would not necessarily "do away with that primary mode of operation of both of those references" as alleged on page 22 of the Remarks, because an artisan could have simply used the Voice Recognizing means 4 in Fig 1 of Wakita to enter, e.g., a word or phrase. Col 1 lines 20-25 and 45-50 of Chan suggest that well known search tools at the time of the invention were used to "search... by using keywords, phrases or queries", e.g. Yahoo, Altavista, as opposed to a search that requires input of a full sentence to complete a search query; therefore, the evidence in Chan does not support the assertion in the Remarks that "It would be far more logical to continue to input complete sentences, and, if one wanted to come up with more common terms, do so after the complete sentence has been inputted".

Further, one skilled in the art at the time of the invention would have predicted that allowing one or more keywords in the source language to be input via an input means without inputting a full text sentence in the source language would be helpful because a user would be able to search for words or a phrase without having to know all the grammatical and syntactic rules specific to the source language which are necessary for formulating a proper complete sentence for input. As the references are all drawn to multilingual applications, it would have been a reasonable prediction that a user may have difficulty formulating a complete sentence in a language in which the user is not fluent. On page 23-24, the Remarks argue that meaningful relationships of words may differ if they are plucked out of the context of the entire sentence. However the modification proposed in the office action only suggests it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wakita (and Appleby) such that "one or more keywords in the source language are input via an input means without inputting a full text sentence in the source language", which does not necessarily mean words must be "plucked" out of their context as alleged by the Remarks, because important contextual information such as co-occurrence and dependency may still be found in phrases, which can certainly be input "without inputting a full text sentence". The argument on page 23 that the proposed modified version of Wakita overlooks the fact that individual words can be used after the entire sentence has been input is not persuasive for at least the reasons already discussed above with regard to searching by using keywords, phrases, or queries, and a non-native speaker having difficulty formulating a complete sentence for searching purposes.

Finally, on page 23 the Remarks argue that regarding claims 19 and 20, although Appleby discloses obtaining scores for pairs of source and target analyses, Appleby merely selects the highest scoring pair and the selection is an ad hoc process, where the selection is not made until after the pairs are scored. According to the Remarks, this means that Appleby does not select a score greater than a predetermined threshold, as recited in claim 19, nor does Appleby select as many text sentence candidates with highest scores as a predetermined number N. It is unclear why the "selection" of Appleby being an ad hoc process would necessarily mean that the "threshold" in Appleby is not "predetermined". If Appleby selects the "highest scoring pair", then "highest scoring" can be reasonably considered a predetermined threshold, for at least the reason that it is decided in advance that a score must meet the predetermined criteria of being just above or at any point higher than the next highest score. The particular language of claims 19 and 20 does not necessarily require the absolute numeric quantity of the threshold to be predetermined. Although the claims are interpreted in light of the specification, limitations from the specification are not read in to the claims.

The remaining arguments in the Remarks (not in bold) have already been addressed on pages 2-10 of the Final Rejection 11/04/09.